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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,493	11/14/2003	Gary Edward Trewiler	134314	9211
23465 7590 10/08/2008 JOHN S. BEULICK C/O ARMSTRONG TEASDALE, LLP ONE METROPOLITAN SQUARE SUITE 2600 ST LOUIS, MO 63102-2740				
EXAMINER AFZAL, SARANG				
ART UNIT 3726		PAPER NUMBER		
NOTIFICATION DATE 10/08/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/713,493

Applicant(s)

TREWILER ET AL.

Examiner

SARANG AFZALI

Art Unit

3726

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/DAVID P. BRYANT/
Supervisory Patent Examiner, Art Unit 3726

Continuation of 11, does NOT place the application in condition for allowance because:

Applicants are presenting similar arguments to the ones filed on 2/29/2008 and were addressed in the office action mailed on 8/2/2007.

Applicants' main argument is that no combination of Meier et al., Wachtell et al., Wang et al. and Dulaney et al. describes nor suggests a method of replacing a portion of a gas turbine engine rotor blade as is recited in Claim 1, specifically the step of coupling a replacement blade portion to a remaining blade portion with a single-pass weld using a welding material that includes at least one of a nickel alloy and a titanium alloy (Remarks, page 3, paragraph 3). Applicant further argues that Wang et al. is also not combinable with Meier et al. and Wachtell et al. and moreover teaches away from the claimed invention (Remarks, page 3, paragraph 4). The Examiner respectfully disagrees with this argument and as noted in the action mailed on 6/4/2008, Meier et al. in view of Wachtell et al. teach the invention cited in claim 1 including the single-pass weld and the welding material including at least one of a nickel alloy and a titanium alloy to form a single joint. In alternative, the Examiner has provided an obviousness type rejection wherein Meier et al. is relied upon to teach every claimed limitation with the exception of using a welding material including at least one of a nickel alloy and a titanium alloy and the step of single weld forming a single weld joint. Wachtell et al. is relied upon to teach that it is well known in the art to repair a damaged hollow turbine blade by removing a damaged area and inserting a replacement section (of the same material as the original component, i.e. nickel alloy, titanium alloy, col. 3, lines 4-9) and welding the parts together with electron beam welding (well known in the art to provide a single pass weld) to provide a single weld joint along the cut line such that the newly formed rotor blade has even better and more improved characteristics than the original blade (Figs. 1, 3 & 4, col. 1, lines 53-58, col. 3, lines 50-53). Wang et al. is relied upon to teach that it is well known in the art to repair a damaged airfoil wherein a repair/replacement material and weld material used are the same as the base material in order to facilitate the welding of the replacement material to the surface of the damaged blade material (col. 5, lines 20-28) that would result in a more effective and stronger weld joint.

As such, not only Wang et al. do not teach away from the claimed invention, but that the combination of Meier et al., Wachtell et al. and Wang et al. is valid and one of ordinary skill in the art would have been motivated, at the time of the invention, to have combined all the three references to provide a repaired blade with better weld joint and more improved characteristics.

As for claim 22, the Examiner relies on Dulaney et al. to teach that it is well known in the art to repair a damaged airfoil by removing the damaged area and welding a replacement piece to the base material followed by rough and final blending the replaced portion to provide a finished blade within acceptable dimensional requirements.

Therefore, the rejections of independent claim 1 and dependent claims 3-6 and 22, as being obvious over the combination of cited art, are still valid.